

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	
)	
VS.)	
)	No. 1:02 CR 743-7
)	
)	<u>SUPPLEMENTAL</u>
PETER GOTTI,)	<u>REPLY TO GOVERNMENT RESPONSE</u>
)	
Defendant)	

This supplemental reply is submitted on behalf of the defendant Peter Gotti, by his counsel, to the Government's letter response (Doc. 418) of September 23, 2019 to the First Step Act compassionate release motion (Doc. 412) filed June 28, 2019.

Adolph Spears was sentenced to life imprisonment for multiple cocaine, crack cocaine, and money laundering offenses in United States v. Spears, No. 3:98 CR 208 (D. Oregon). Over the Government's strong objection, he was granted compassionate release under the First Step Act on October 15, 2019 after serving just under 21 years. Spears is 76 and was at FMC Butner with Peter Gotti, also with a remarkable laundry list of serious medical problems. Attached and incorporated herein is a copy of Judge Simon's Opinion and Order of October 15, 2019 in Spears.

The Government in Spears contended, unsuccessfully, that Spears' release would pose a continuing danger to the community because of his violent criminal past and lengthy serious criminal record. The Government posited that Spears' age and medical conditions do not render him so incapacitated that he could not resume his former criminal conduct, noting that in his fifties he was a leader of a major drug conspiracy. The Court in Oregon however found that a life term of supervised release would continue to serve both as a sanction and a general deterrent.

Spears in this case, and we respectfully suggest that the approach that Judge Saris took in Oregon would be a perfect fit for Peter Gotti in this case.

For all the above reasons and those set forth in the pending motion, and our previous reply, we continue to pray the Court for the compassionate release of Peter Gotti under the First Step Act.

Respectfully submitted,

/s/ James B. Craven III
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CERTIFICATE OF SERVICE

I have this day served Government counsel electronically:

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This 21st day of October 2019.

/s/ James B. Craven III
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